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Remarks

Claims 1-27 are pending in the application. Claims 1-27 are rejected under 35 USC § 103(a) as being unpatentable over United States patent no. 6,447,424 of Ashby et al. (*Ashby*) in view of United States patent no. 6,659,861 of Faris et al (*Faris*). The applicants traverse the rejections of Claims 1-27 on the grounds that the prima facie case of obviousness set forth in the official action with respect to each of Claims 1-27 does not meet the requirements of MPEP § 2143. Accordingly, the applicants respectfully submit that the rejections of Claims 1-27 are improper and respectfully request that the rejections be withdrawn.

The applicants respectfully traverse the rejections of Claims 1-27 on the specific grounds that (a) the official action does not indicate where in the cited references may be found a teaching or suggestion that could properly be regarded as providing a motivation to combine the references; (b) the official action does not indicate where in the cited references may be found a teaching or suggestion that would provide the person of ordinary skill in the art with a reasonable expectation of success in the event such person were to make the proposed combination; and (c) the proposed combination of references does not teach or suggest all the limitations set forth in each of the claims. The applicants therefore respectfully submit that the prima facie case of obviousness set forth in the official action does not meet the requirements set forth in MPEP § 2143 and the rejections of Claims 1-27 are therefore improper.

A. No Motivation to Combine and No Reasonable Expectation of Success

With reference to Claim 1, the official action admits that Ashby does not detail assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof and continues:

It was well-known in the art that a network device could received [sic] information from a server such as IP address. Faris discloses an Internet-based system including the GPS receivers, XML and assigning IP address to the network devices [Faris, GPS, Internet, abstract; assigned IP address, col. 16 lines 1-20; XML col. 22 lines 34-62, Fig 2B]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of assigned address to network devices as taught by Faris into the Ashby's apparatus in order to utilize the Internet-GPS communications. Doing so would provide a quick, direct and simple process to control information between a GPS and topographic devices over Internet.

The applicants have been unable to find anything in the official action that indicates

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where the motivation set forth in the official action can be found in the cited references.

Accordingly, the applicants respectfully submit that the rejection does not meet the requirements set forth in MPEP § 2143.

Nor have the applicants been able to find anything in the cited references that supports the motivation set forth in the official action. For example, the applicants have been unable to find anything in Faris' disclosure that teaches or suggests that the conventional IP addresses disclosed by Faris "provide a quick, direct and simple process to control information between a GPS and topographic devices over Internet," as stated in the official action.

Moreover, the applicants have been unable to find anything in Faris' disclosure that teaches or suggests that the addresses received from the servers in Faris' system are anything other than the conventional IP addresses also used in Ashby's virtual workout system. The applicants have been unable to find anything in Ashby's disclosure that teaches or suggests that Ashby's virtual workout system communicates through the internet by any non-conventional method, i.e., by a method that does not involve using conventional IP addresses. Accordingly, the applicants respectfully submit that, since Ashby's virtual workout system apparently already uses the communication protocol taught by Faris, the person of ordinary skill in the art would have no motivation to modify Ashby's virtual workout system in the manner proposed in the official action.

Moreover, modifying Ashby's virtual workout system in accordance with Faris' teaching as proposed in the official action would result in the elements of Ashby's virtual workout system having conventional IP addresses assigned to them. Accordingly, the applicants respectfully submit that the modified virtual workout system would not perform a process of "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set [representing the physical location of the topographic network device] thereof," as recited in Claim 1.

Finally, the applicants respectfully submit that neither Ashby nor Faris is analogous prior art, and hence, is not a valid reference with respect to the claimed invention. Ashby's disclosure relates to a system and method for selective adjustment of exercise apparatus in which an exercise machine is operated in a manner that simulates a mountain hike. Faris' disclosure relates to an internet-based system for enabling a time-constrained competition among a plurality of

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participants over the internet. The invention claimed in Claim 1 is directed to providing a method of establishing a network whereas the disclosures of Ashby and Faris relate to applications that involve conventional internet connections. The applicants respectfully note that, during prosecution, United States patent no. 5,983,269 of Mattson et al., cited in the official action mailed on 8 October 2004, which is analogous prior art, had different classifications and had an entirely different field of search from Ashby and Faris. Moreover, during prosecution, Ashby had different classifications and had an entirely different field of search from Faris. Accordingly, the applicants respectfully submit that disclosures of Ashby and Faris may not properly be combined.

The applicants have been unable to find anything in the official action that indicates where in the cited references may be found a teaching or suggestion that would provide the person of ordinary skill in the art a reasonable expectation of success in the event such person were to attempt to modify Ashby's virtual workout system in the manner proposed in the official action. Nor have the applicants been able to find anything in the portions of the references cited in the official action that could reasonably be regarded as providing such expectation of success.

The official action sets forth no motivations to modify Ashby's virtual workout system to provide the elements of claims 2-27 not disclosed by the above-discussed combination of Ashby and Faris.

Accordingly, the applicants respectfully submit that the rejections of Claims 1-27 are all improper because the prima facie case of obviousness set forth with respect to each of Claims 1-27 does not comply with the requirements of MPEP § 2143 in that the official action does not set forth a motivation to combine the references that is supported by the references and does not set forth a reasonable expectation of success supported by the references.

B. The Proposed Combination of References Does Not Teach or Suggest All the Claim Limitations

The applicants further submit that the prima facie cases of obviousness set forth in the official action with respect to claims 1-27 do not comply with the requirements set forth in MPEP § 2143 for the additional reason that the proposed combination of references does not teach or suggest all the limitations set forth in Claims 1-27.

The rejection set forth in official action with respect to each claim typically quotes or

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paraphrases all or part of the language of the claim and then cites one or more passages of the proposed combination of references. However, the cited passages of the proposed combination of references rarely, if ever, literally disclose the claim language. The official action does not provide any indication of how the cited passages are viewed as teaching or suggesting the particular claim element. Nor is there any indication of any correspondence between a particular element disclosed in the cited passages (which typically disclose several elements) and an element of the claim language. Consequently, the applicants have found it difficult to provide a constructive response to such rejections. With respect to some of the claims, the applicants have had to resort simply to gainsaying the assertions set forth in the official action.

Claim 1

Claim 1 recites in part: "A method for establishing a network for communicating a message." The official action states that Ashby discloses this element of Claim 1, citing "Ashby, Internet, GPS, col. 4, line 40-col. 5, line 35, electronic information, col. 16, lines 25-47."

Ashby discloses a system and method for selective adjustment of exercise apparatus in which an exercise machine is operated in a manner that simulates a mountain hike. A virtual trail derived from a topographical map is programmed into the exercise machine. Ashby also indicates that GPS coordinates can be used in conjunction with a master topographical map to create a workout trail.

The applicants respectfully disagree with the reading of Ashby's disclosure proposed in the official action. Ashby discloses using the Internet to communicate messages, but tacitly acknowledges that the internet already exists (col. 5, line 31). Accordingly, the applicants respectfully submit that, since Ashby teaches that the internet is already established, Ashby cannot accurately be said to teach or suggest: "A method for *establishing* a network for communicating a message." as recited in Claim 1 (emphasis added).

Claim 1 recites in part: "providing a network including topographic network devices and communication links interconnecting the topographic network devices, the topographic network devices each having a physical location represented by a topographic coordinate set." The official action alleges that Ashby discloses this element of Claim 1 at col. 4, lines 41-65, col. 5, lines 12-34 and Figure 4. The cited passage of Ashby's disclosure at col. 4, lines 41-65 describes how an

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exercise profile may be generated, including "GPS coordinates in conjunction with a master topographical map." The cited passage of Ashby's disclosure at col. 5, lines 12-34 describes how a hiking trail is coded and stored in a memory, including downloading such data from the internet. Figure 4 of Ashby's disclosure provides a flow chart of a process comprising taking topographical information, translating such information into trail data and generating, storing and using such data in a manner that it can be used to control an exercise machine.

The applicants respectfully submit that such topographical data as is incorporated in or downloaded into Ashby's virtual trail system relates to the physical location of mountains and trails. The applicants have been unable to find anything in Ashby's disclosure that teaches or suggests that such topographical data defines the physical location of the virtual trail system *itself*. Accordingly, the applicants respectfully submit that Ashby cannot accurately be said to disclose: "providing a network including topographic network devices and communication links interconnecting the topographic network devices, *the topographic network devices each having a physical location represented by a topographic coordinate set.*" (emphasis added), as recited in Claim 1.

Claim 1 additionally recites: "for each one of the topographic network devices, transmitting the topographic coordinate set of the one of the topographic network devices to the topographic network devices directly connected thereto; and receiving and storing the topographic coordinate set at at least one of the topographic network devices directly connected thereto." The official action alleges that Ashby discloses these elements of Claim 1 at col. 12, line 56-col. 13, line 15 and lines 35-55. The cited passages of Ashby's disclosure disclose communication through the internet between Ashby's virtual trail system and a web site with the URL www.iFit.com in which the web site can download data into the virtual trail system to provide a workout routine.

The applicants have been unable to find anything in the cited passages of Ashby's disclosure that teaches or suggests transmitting a topographic coordinate set indicating the physical location of a topographic network device to another topographic network device; and receiving and storing the topographic coordinate set at at least one of the topographic network devices directly connected the topographic network device. Even if, for the sake of argument, Ashby's virtual workout system and the web site www.iFit.com are regarded as topographic

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network devices (which they are not), the applicants have been unable to find anything in the cited passages of Ashby's disclosure that teaches or suggests that Ashby's virtual workout system transmits a topographic coordinate set representing its physical location to the web site with the URL www.iFit.com, or that the web site with the URL www.iFit.com transmits a topographic coordinate set representing its physical location to Ashby's virtual workout system. Accordingly, the applicants respectfully submit that Ashby cannot accurately be said to disclose: "for each one of the topographic network devices, transmitting the topographic coordinate set of the one of the topographic network devices to the topographic network devices directly connected thereto," and "receiving and storing the topographic coordinate set at at least one of the topographic network devices directly connected thereto." as recited in Claim 1.

As noted above, the official action admits that Ashby does not teach the "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof" as recited in Claim 1 and looks to Faris for a teaching of the missing element, citing "Faris, GPS, Internet, abstract; assigned IP address, col. 16 lines 1-20; XML col. 22 lines 34-62, Fig 2B. The applicants note with regret that, as stated above, the official action does not specifically indicate which of the many elements disclosed in the cited passages of Faris' disclosure are alleged to correspond specifically to the "allocating" the "topographic network devices" and the "topographic coordinate set" recited in the above-quoted element of Claim 1.

Faris discloses an internet-based system for enabling a time-constrained competition among participants over the internet. The abstract of Faris' disclosure gives an overview of Faris' internet-based competition system. The cited passage of Faris' disclosure at col. 16, lines 1-20 describes the communication network used by Faris' system as being a virtual network based on the Internet and being a packet-switched network using TCP/IP protocol with static or dynamic IP addresses. The cited passage of Faris' disclosure at col. 22, lines 34-62 describes the process by means of which HTML- or XML-encoded documents are transmitted through the various levels of the network using conventional HTTP or FTP protocols. Faris' Figure 2B shows the hierarchical structure of the network.

The applicants have been unable to find anything in the cited passages of Faris' disclosure that teaches or suggests assigning a network address other than a conventional IP address to a

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network device. If the cited passages contain such a teaching or suggestion, the applicants respectfully request that the Examiner indicate specifically where it may be found. Accordingly, the applicants respectfully submit that the proposed combination of references cannot accurately be said to teach or suggest "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set [representing the physical location of the topographic network device] thereof" as recited in Claim 1.

Accordingly, since the proposed combination of references neither teaches nor suggests any of the elements recited in Claim 1, the applicants respectfully submit that the prima facie case of obviousness set forth in the official action with reference to Claim 1 does not meet the requirements of MPEP § 2143, and the rejection of Claim 1 is improper. The applicants therefore respectfully request that the rejection be withdrawn.

Claims 2-10

The applicants respectfully submit that, since the rejection of Claim 1 is improper, the rejections of Claims 2-10 that depend on Claim 1 are improper and respectfully request that the rejections of Claims 2-10 be withdrawn.

Claim 2

The passage of Ashby's disclosure at col. 4, lines 41-65, cited in the official action, states that "topical [sic] maps, GPS coordinates or portable monitors" may be used to design an exercise program and gives examples of how this may be done. Specifically, the passage indicates that a trail workout designer can also use GPS coordinates in conjunction with a master topographical map to create a successful workout trail. The applicants have been unable to find anything in the cited passage of Ashby's disclosure that teaches or suggests that the GPS coordinates or the topographic map mentioned in Ashby's disclosure are themselves transmitted to Ashby's virtual workout system. Even if, for the sake of argument, Ashby's GPS coordinates or topographic map could be regarded as being the topographic coordinate set of a topographic network device (which they are not), the applicants have been unable to find anything in the cited passage of Ashby's disclosure that teaches or suggests that they are transmitted in response to receiving the topographic coordinate set of another topographic network device.

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Accordingly, the applicants respectfully submit that the rejection of Claim 2 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 2.

Claim 3

The passage of Faris' disclosure at col. 2, lines 6-12, cited in the official action, describes the potential of the internet to provide human communication, cooperation and competition. The applicants have been unable to find anything in the cited passage that teaches or suggests "ones of the topographic network devices, including the intermediate network device, have stored therein the topographic coordinate sets of at least one of the topographic network devices directly connected thereto as respective connected device coordinate sets." The applicants have been unable to find anything in the cited passage that teaches or suggests that the items of internet hardware mentioned therein store "the topographic coordinate sets [each representing the physical location of a topographic network device] of at least one of the topographic network devices directly connected thereto." Nor do such items of hardware inherently store "the topographic coordinate sets of at least one of the topographic network devices directly connected thereto." Accordingly, the applicants respectfully submit that the proposed combination of references neither teaches nor suggests: "ones of the topographic network devices, including the intermediate network device, have stored therein the topographic coordinate sets of at least one of the topographic network devices directly connected thereto as respective connected device coordinate sets," as recited in Claim 3.

The passage of Faris' disclosure at col. 16, lines 1-20, cited in the official action describes the communication network used by Faris' system as being a virtual network based on the Internet and being a packet-switched network using TCP/IP protocol with static or dynamic IP addresses. The applicants have been unable to find anything in the cited passage that teaches or suggests that the messages transmitted through Faris' network include "the topographic coordinate set of the destination network device [i.e., the topographic network device that is the ultimate destination of the message] as a destination coordinate set." The applicants have been unable to find anything in the cited passage that discloses the content of messages passing through Faris' network. Accordingly, the applicants respectfully submit that the proposed

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combination of references neither teaches nor suggests: "the method additionally comprises transmitting the message from the source network device to the destination network device, the message including the topographic coordinate set of the destination network device as a destination coordinate set," as recited in Claim 3.

Finally, the applicants have been unable to find any teaching or suggestion in the cited passage of Paris' disclosure at col. 2, lines 6-12 of "identifying, from the topographic coordinate set of the destination network device and the connected device coordinate sets stored in the intermediate network device, a one of the topographic network devices directly connected to the intermediate network device that is physically closer to the destination network device than the intermediate network device," as recited in Claim 3. Moreover, none of the network devices mentioned in the cited passage inherently performs such an operation. As described in paragraph [0004] of the application, conventional network devices do not route messages based on proximity to the destination. Accordingly, the applicants respectfully submit that the proposed combination of references neither teaches nor suggests the above-quoted element of Claim 3.

Accordingly, the applicants respectfully submit that the rejection of Claim 3 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 3.

Claim 4

The passage of Ashby's disclosure at col. 4, lines 41-65, cited in the official action, mentions GPS coordinates in connection with the process of creating the workout trail used by Ashby's virtual workout system. However, the applicants have been unable to find any teaching or suggestion in the cited passage of co-locating a GPS receiver with Ashby's virtual workout system or any other network device connected to Ashby's virtual workout system to determine the physical location of the virtual network device or the other network device. Nor have the applicants been able to find any teaching or suggestion in the cited passage of determining a topographic coordinate set for Ashby's virtual workout system.

Accordingly, the applicants respectfully submit that the rejection of Claim 4 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 4.

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Claim 5

The applicants acknowledge that the passage of Ashby's disclosure at col. 4, lines 41-65, cited in the official action, teaches the use of a map in connection with the process of creating the workout trail used by Ashby's virtual workout system.

The passage of Ashby's disclosure at col. 15, lines 12-34, cited in the official action, teaches the process of encoding a mountain trail, the creation of a workout profile, and the standard operation of a previously encoded hike. According to the passage, the controller or trail designer is able to take topographical information and compute the distances, the average inclinations between the waypoints, and simulate a hike from this data. The applicants have been unable to find any teaching or suggestion in the cited passage that such map would be used to determine a topographic coordinate set for Ashby's virtual workout system or for any network device connected to Ashby's virtual workout system and that such topographic coordinate set would be included in Ashby's topographic information.

The passage of Faris' disclosure at col. 16, lines 1-20, cited in the official action, describes the communication network used by Faris' system as being a virtual network based on the Internet and being a packet-switched network using TCP/IP protocol with static or dynamic IP addresses. Although the cited passage mentions addresses, the addresses are conventional IP addresses, not topographic coordinate sets [representing the physical locations of respective topographic network devices]. Moreover, the applicants have been unable to find anything in the cited passage that teaches or suggests inputting the topographic coordinate set of any of the network devices mentioned in the cited passage of Faris' disclosure into such network device.

Accordingly, the applicants respectfully submit that the rejection of Claim 5 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 5.

Claim 6

The passage of Faris' disclosure at col. 16, lines 1-20, cited in the official action, is characterized above with reference to Claim 5. Although the cited passage mentions addresses, the addresses are conventional IP addresses, not topographic coordinate sets. Moreover, the

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applicants have been unable to find anything in the cited passage that teaches or suggests "inserting the topographic coordinate set into a packet configured for transmission through the network." The applicants acknowledge that the word "packet" appears in the cited passage in connection with describing network 190 as a packet-switched network. However, the applicants have been unable to find anything in the cited passage that teaches or suggests that the packets of Faris' network 190 include a topographic coordinate set.

Accordingly, the applicants respectfully submit that the rejection of Claim 6 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 6.

Claim 7

As noted above with reference to Claim 6, the applicants have been unable to find anything in the cited passage of Faris' disclosure that teaches or suggests that the packets of Faris' network 190 include a topographic coordinate set. Accordingly, the applicants respectfully disagree with the assertion set forth in the official action that the passage of Faris' disclosure at col. 16, lines 1-20 discloses "receiving the packet including the topographic coordinate set at the at least one of the topographic network devices as a receiving network device."

The passage of Ashby's disclosure at col. 15, lines 12-34, is characterized above with reference to Claim 5. The applicants have been unable to find anything in the cited passage that teaches or suggests that topographical information received by the Ashby's controller or the trail designer is subject to "sending ... through" such controller or trail designer. The passage indicates that the topographic information is used in connection with computing "the distances, the average inclinations between the waypoints, and *simulate a hike from this data.*" Moreover, the applicants have been unable to find anything in Ashby's disclosure that teaches or suggests topographical information being received in a packet that has been subject to "sending ... through".

The applicants acknowledge that the word "extracting" appears in the cited passage of Faris' disclosure at col. 52, lines 1-5. However, the applicants respectfully submit that the extracting taught in the cited passage refers to extracting from a physical device (the GSU), not from a data packet. Moreover, the official action asserts that storing the extracted secret key is

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inherent. The applicants respectfully disagree. In the illicit extracting taught in Faris, any inherent storing would be in a device different from that from which the secret key is extracted.

Accordingly, the applicants respectfully submit that the rejection of Claim 7 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 7.

Claim 8

The passage of Faris' disclosure at col. 26, lines 22-35, cited in the official action, sets forth a list of possible input device types. The applicants have been unable to find anything in the cited passage that teaches or suggests that the IPM referred to in the cited passage transmits an indication of the type of input device connected to it.

The official action appears to assert that transmission of additional topographic information is an inherent property of a topographical map. The applicants respectfully submit that a topographical map simply stores topographical information and has no inherent ability to *transmit* topographical information.

Accordingly, the applicants respectfully submit that the rejection of Claim 8 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 8.

Claim 9

The passage of Faris' disclosure at col. 1, lines 44-60, cited in the official action provides a brief overview of the internet and mentions the various domains that form part of DNS. The applicants respectfully submit that the various domains of the DNS cannot accurately be regarded as teaching or suggesting the regions recited in Claim 9. Moreover, the applicants have been unable to find anything in the cited passage that teaches or suggests the "dividing," "assigning," "interconnecting," and "supplying" elements recited in Claim 9.

Accordingly, the applicants respectfully submit that the rejection of Claim 9 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 9.

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Claim 10

The applicants have been unable to find anything in the passage of Faris' disclosure at col. 1, lines 44-60, cited in the official action, that teaches or suggests the routing of a message from a topographic network device located in one region to a topographic network device located in another region via a regional topographic network device located in each region.

Accordingly, the applicants respectfully submit that the rejection of Claim 10 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 10.

Claim 11

The official action states that Claim 11 contains limitations similar to those in Claim 1. The applicants respectfully disagree. The applicants respectfully submit that there are no elements in Claim 1 corresponding to the "inserting," "transmitting ... the message," "receiving the message," "identifying," and "transmitting the message" elements of Claim 11. Accordingly, the applicants respectfully submit that the rejection of Claim 11 is improper because the official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of each element recited in Claim 11.

Additionally, the applicants respectfully submit that the rejection of Claim 11 is improper for the additional reason that the passages of the disclosures of Ashby and Faris cited with reference to Claim 1 neither teach nor suggest any of the "providing," "inserting," "transmitting ... the message," "receiving the message," "identifying," and "transmitting the message" elements recited in Claim 11.

The applicants further submit that the rejection of Claim 11 is improper because the proposed combination of references is improper. The official action sets forth no reason to combine the references and no reasonable expectation of success with respect to the subject matter recited in Claim 11.

Accordingly, the applicants respectfully submit that the rejection of Claim 11 is improper and respectfully request that the rejection be withdrawn.

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Claims 12-19

The applicants respectfully submit that, since the rejection of Claim 11 is improper, the rejections of Claims 12-19 that depend on Claim 11 are improper and respectfully request that the rejections of Claims 12-19 be withdrawn.

Claim 12

The applicants have characterized the passage of Faris' disclosure at col. 1, lines 44-60, alleged to disclose the subject matter recited in Claim 12, above with reference to Claim 10. The applicants have been unable to find anything in the cited passage that teaches or suggests identifying a topographic network device physically closest to a destination network device. As described in paragraph [0004] of the application, routing using conventional TCP/IP addressing, as described by Faris, takes no account of the physical locations of the network devices.

Accordingly, the applicants respectfully submit that the rejection of Claim 12 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 12.

Claim 13

The applicants respectfully submit that the rejection of Claim 13 is improper because the official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of the subject matter recited in Claim 11. The applicants respectfully submit that this is because no such teaching exists in the proposed combination of references.

Accordingly, the applicants respectfully submit that the rejection of Claim 11 is improper and respectfully request that the rejection be withdrawn.

Claim 14

The applicants have characterized the passage of Faris' disclosure at col. 26, lines 22-35, above with reference to Claim 8. However, as noted above in the discussion of Claim 8, the applicants have been unable to find anything in the cited passage that teaches or suggests that the IPM referred to in the cited passage transmits an indication of the type of input device connected to it.

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The official action appears to assert that additional topographic information and, "in identifying one of the topographic network devices, the one of the topographic network devices is identified additionally in response to at least one of the device type information and the additional topographic information" are both inherent features of a topographic map. The applicants respectfully submit that a topographical map has no inherent ability in itself to, "in identifying the one of the topographic network devices, to identify the one of the topographic network devices additionally in response to at least one of the device type information and the additional topographic information."

Accordingly, the applicants respectfully submit that the rejection of Claim 14 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 14.

Claim 15

The passage of Faris' disclosure at col. 22, lines 7-62, cited in the official action, describes processes that can be performed when a contestant registers to participate in a contest, involving transferring data to and from the user's machine. The passage additionally describes how a tree-like network structure can be adopted when the number of contestants is large. The applicants have been unable to find anything in the cited passage that teaches or suggests that "additional topographic information relating to the network" as recited in Claim 15, is transmitted through the network. If the Examiner believes that some of the data referred to in the cited passage constitutes such additional topographic information, the applicants respectfully request the Examiner to identify such data specifically.

Moreover, the applicants have been unable to find in the passage cited in the official any teaching or suggestion that any of the data referred to therein can be used instead of a destination coordinate set to identify a topographic network device to which to route a message. Regardless of the structure of Faris' network, the ultimate destination of the messages, i.e., the client machine, remains unchanged.

Accordingly, the applicants respectfully submit that the rejection of Claim 15 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 15.

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Claim 16

The passage of Faris' disclosure at col. 21, lines 25-45, cited in the official action, describes how the hierarchical configuration of Faris' network can reduce network traffic bandwidth in the network by offloading some of the processing to other network devices. However, the applicants have been unable to find anything in the cited passage that teaches or suggests changing the routing of a message depending on properties of alternatively-available communication links available. Nor have the applicants been able to find anything in the cited passage that teaches or suggests the proxy server mentioned in the official action. As noted above, routing using conventional TCP/IP addressing takes no account of the physical locations of the network devices.

Accordingly, the applicants respectfully submit that the rejection of Claim 16 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 16.

Claim 17

The official action does not indicate where in the proposed combination of references can be found a teaching or suggestion of the "generating" and "inserting" elements of Claim 17. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

The official action appears to indicate that the inserting and providing elements of Claim 17 are disclosed at col. 1, lines 44-60 of Faris' disclosure. The applicants have been unable to find anything in the cited passage that teaches or suggests "in response to the destination network address [lacking a topographic coordinate set], providing the topographic coordinate set of one of the topographic network devices as the destination coordinate set, the one of the topographic network devices being associated with the destination network device," as recited in Claim 17.

Accordingly, the applicants respectfully submit that the rejection of Claim 17 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 17.

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Claim 18

The applicants acknowledge that the term "domain name" appears in the cited passage of Faris' disclosure at col. 1, lines 44-60. However, the applicants have been unable to find anything in the cited passage that teaches or suggests that the domain name is part of a destination network address included in a message. Accordingly, the applicants respectfully submit that the proposed combination of references neither teaches nor suggests the destination network address element of Claim 18.

The applicants have been unable to find anything in the cited passage of Faris' disclosure at col. 1, lines 44-60, that teaches or suggests providing either of the alternative topographic coordinate sets recited in Claim 18.

Accordingly, the applicants respectfully submit that the rejection of Claim 18 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 18.

Claim 19

The passage of Faris' disclosure at col. 1, lines 44-60, cited in the official action, mentions the various domains that form part of DNS. The applicants respectfully submit that the various domains of the DNS cannot accurately be regarded as teaching or suggesting the regions recited in Claim 19. Moreover, the applicants have been unable to find anything in the cited passage that teaches or suggests the network structure recited in the "providing" element of claim 19. Finally, the applicants have been unable to find anything in the cited passage that teaches or suggests the "determining" and "routing," elements recited in Claim 19.

Accordingly, the applicants respectfully submit that the rejection of Claim 19 is improper for the additional reason that the proposed combination of references neither teaches nor suggests every element recited in Claim 19.

Claims 20-27

The official action states: "As per claims 20-27 contain the similar limitations set for claims 1-19. Therefore claims 21-27 are rejected for the same rationale set forth in claims 1-19." The applicants respectfully disagree with the characterization of Claims 20-27 set forth in the

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official action. Even if Claims 20-27 appear similar to ones of Claims 1-19, they are not identical. Since issues of patentability and infringement depend on the exact wording of the Claims, the applicants respectfully submit that Claims 20-27 deserve to be examined with the same thoroughness as Claims 1-19. Accordingly, the applicants respectfully submit that the rejections of Claims 20-27 are improper because the official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of each element recited in Claims 20-27.

Additionally, the applicants respectfully submit that the rejections of Claims 20-27 are improper for the additional reason that the proposed combination of Ashby and Faris neither teaches nor suggests at least one element of each of Claims 20-27.

The applicants further submit that the rejections of Claims 20-27 are improper because the proposed combination of references on which the rejections are based is improper. The official action sets forth no reason to combine the references and no reasonable expectation of success with respect to the subject matter recited in any of Claims 20-27.

Accordingly, the applicants respectfully submit that the rejections of Claims 20-27 are improper and respectfully request that the rejections be withdrawn.

The applicants respectfully request reconsideration of the rejected claims. The applicants believe that the application is in condition for allowance, and respectfully request such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicants' attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

Julie E. Fouquet et al.

By: /Ian Hardcastle/

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